Public Notice

U S Army Corps
of Engineers
Huntington District

In reply refer to Public Notice No. 200200751 Issuance Date: MAY 19, 2006

Stream: UN TRIB BLACKLICK CREEK Closing Date: JUNE 19, 2006

Please address all comments and inquiries to:
U.S. Army Corps of Engineers, Huntington District
ATTN: CELRH-OR-F Public Notice No. *(reference above)*
502 Eighth Street
Huntington, West Virginia 25701-2070 Phone: (304) 399-5210

PUBLIC NOTICE: The purpose of this public notice is to inform you of a proposal for work in which you might be interested. It is also to solicit your comments and information to better enable us to make a reasonable decision on factors affecting the public interest. We hope you will participate in this process.

REGULATORY PROGRAM: Since its early history, the U.S. Army Corps of Engineers (Corps) has played an important role in the development of the nation's water resources. Originally, this involved construction of harbor fortifications and coastal defenses. Later duties included the improvement of waterways to provide avenues of commerce. An important part of our mission today is the protection of the nation's waterways through the administration of the Corps Regulatory Program.

SECTION 10: The Corps is directed by Congress under Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) to regulate all work or structures in or affecting the course, condition or capacity of navigable waters of the United States (U.S.). The intent of this law is to protect the navigable capacity of waters important to interstate commerce.

SECTION 404: The Corps is directed by Congress under Section 404 of the Clean Water Act (33 USC 1344) to regulate the discharge of dredged and fill material into all waters of the United States, including wetlands. The intent of the law is to protect the nation's waters from the indiscriminate discharge of material capable of causing pollution and to restore and maintain their chemical, physical and biological integrity.

TO WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act. This notice serves as the Corps of Engineers' request to the Ohio Environmental Protection Agency to act on Section 401 Water Quality Certification for the following application:

APPLICANT: William Ebbing
New Albany Company
8000 Walton Parkway
New Albany, Ohio 43054

LOCATION: The project is located on a 210-acre parcel located north of State Route 161 and west of Beech Road in the Village of New Albany, Franklin and Licking Counties, Ohio. The proposal would result in impacts to an unnamed tributary of Blacklick Creek and its adjacent wetlands.

DESCRIPTION OF PROPOSED WORK: The applicant proposes to place fill material into waters of the United States in conjunction with the construction of Blacklick Campus, a distribution and service center. The development would consist of 12 buildings totaling approximately 2,077,000 square feet and associated parking areas. The site is bisected by Smiths Mill Road, which serves as the primary access for the site. On September 5, 2002, this office determined the placement of fill material into approximately 280' of an unnamed tributary of Blacklick Creek in conjunction with the construction of this road met the criteria of nationwide permit #14. As Smiths Mill Road is an integral part of the proposed development, impacts to waters of the United States associated with its construction would be considered cumulatively with this proposal.

The applicant proposes to place approximately 3,200 cubic yards of clean fill into approximately 2,850' of intermittent stream channel and 1.69 acres of six jurisdictional wetlands in conjunction with the construction of three building pads, associated parking, and stormwater management facilities at the site. The stream flow would be relocated into a new channel measuring approximately 3,270'. The remaining 1,470' of stream channel and 2.41 acres of seven wetlands would be permanently preserved on-site within 25' (at a minimum) vegetated/riparian buffers. The development plan was designed to avoid impacts to the highest quality wetland resources at the site (1.43 acre of Category 3 wetland and 0.98 acre of Category 2 wetland). The preservation areas would be protected via a deed restriction and/or conservation easement.

On-site stormwater management would be accomplished through the construction of seven detention basins at the site. Vegetated shelves would be incorporated into the basin design to provide water quality filtration functions. The vegetated shelves would be planted with hydrophytic shrub and emergent species including but not limited to buttonbush, dogwood, elderberry, swamp mallow, swamp milkweed, soft rush, blue flag, blunt spikerush, arrow arum, soft-stem bulrush, and arrowhead. Final plant selection would be based on established water depths and species availability. No mitigation credits are being sought for the vegetated basin; however, the basin would meet National Pollutant Discharge Elimination Standard (NPDES) Phase II requirements.

COMPENSATORY MITIGATION PLAN: To compensate for the loss of 3,130' of intermittent stream channel (this total includes the 280' of stream channel filled as a result of the construction of Smiths Mill Road), the applicant proposes to construct a new channel measuring 3,270' on-site. The new channel would be located east and south of the impacted channel along the southwest boundary

of the site. The shape of the new channel would be based on a C-type (Rosgen 1996) channel. Natural stream channel design techniques would be incorporated into the relocated stream channel. The new stream channel would approximately 10' wide at the bankfull width and 70' wide at the belt width (which includes the lower floodplain). A 15' wide buffer zone would extend from the top of bank for a total stream corridor width of 100'. The average depth of the stream channel would be 1.3'. Sinuosity would be incorporated into the stream channel (110'-140' meander width). In-stream habitat features would include riffle-pool structures, large woody debris, and large boulders. Tree and shrub species would be planted within the lower floodplain and would include sycamore, willow, river birch, dogwood and arrow-wood. A native grass mixture would be spread on the upper slopes. The proposal would also include the enhancement of approximately 700' of the preserved section of Stream #1 located south of Smiths Mill Road and east of the relocated channel. The enhancement activities would include the re-establishment of the riparian corridor in order to reduce bank erosion and sedimentation within downstream sections of the stream. The banks would be stabilized with native tree and shrub plantings, including maple, beech, sycamore, black willow, river birch, black cherry, dogwood, and arrow-wood. The relocated, enhanced, and preserved stream channel would be protected in perpetuity via a deed restriction or conservation easement.

To compensate for the loss of 1.69 acres of jurisdictional wetland, the applicant proposes to restore approximately 4.7 acres of forested wetland off-site. The wetland mitigation requirement for this proposal is 4.1 acres based on the state water quality requirements for off-site forested wetlands. The applicant has requested the 0.6 acre of additional acreage be reserved as wetland mitigation credit for other New Albany Company projects within the Blacklick Creek watershed. The proposed mitigation site is located on an agricultural parcel located approximately 1.14 mile southeast of the impact site (See Figure 9). The applicant conducted the required wetland delineation at the proposed mitigation site and determined that site contained no jurisdictional wetlands. The proposal would consist of the restoration of a forested wetland within a depressed area at the site. The depressed area contains a hydric soil unit (Pewamo silty clay loam) and its high water table and lower elevation allows for significant inundation. Two earthen berms would be constructed along the western and southern perimeter of the wetland cell to ensure adequate ponding of the water. The berms would be minimal in height with 15:1 side slopes. Small areas of excavation would be required along the northern perimeter of the site to allow the wetland to support a maximum depth of 6". An outlet structure would be installed in the west embankment to help control water levels. The wetland would be designed with irregular edges where possible and would be graded to slope towards to forested area to allow amphibian movement. Hydrology would be supplied by overland flow and subsurface flow from the north/northeast wooded areas adjacent to the mitigation site. Water would be retained in the wetland by the berms. The western berm would contain an outlet structure that would convey overflow into the adjacent agricultural fields. Plantings are proposed at the mitigation site. Plants would be selected based on hydrologic regime and would include the following species: pin and swamp white oak, red and silver maples, box elder, American sycamore, bald cypress, button bush, gray and silky dogwoods, spice bush, swamp rose, elderberry, arrowhead viburnum, swamp milkweed, sedges and wood reed. Upon maturation, it is expected the wetland would provide habitat

for amphibians, reptiles and birds. The wetland would be located immediately adjacent to a mature forested area, which provides habitat for amphibians. The wetland, along with a 25' vegetated buffer, would be preserved in perpetuity via a restrictive environmental covenant at the site. The relocated and enhanced stream channels as well as the mitigation wetland would be monitored for a minimum of five years.

SECTION 404(B)(1) ALTERNATIVES ANALYSIS: A total of 1.69 acres of jurisdictional wetland would be filled as a result of the proposal. The project does not require access to or siting within the wetlands to fulfill its basic purpose and is considered a non-water dependent activity. The Section 404(b)(1) Guidelines state that for non-water dependent activities, practicable alternatives that do not involve wetlands are presumed to be available unless clearly demonstrated otherwise. The applicant is required to provide an alternative analysis that must overcome the presumption prior to receiving authorization for the placement of fill material. The applicant has submitted the required alternative analysis and it is currently being reviewed.

Plans of the proposed work are attached to this notice.

A Section 401 Water Quality Certification is required for this project. It is the applicant's responsibility to obtain the certification from the Ohio Environmental Protection Agency.

HISTORIC AND CULTURAL RESOURCES: The National Register of Historic Places has been consulted and it has been determined there are no properties within the project area listed on the Register. In January 1999, a Phase I Survey (Burcham and Weller) was conducted for a 580-acre development plan, which included the 210-acre parcel proposed for impact. The survey identified 35 archeological sites and 3 architectural properties within the 580-acre parcel. In a letter dated March 16, 1999, the Ohio State Historic Preservation Office (OSHPO) determined additional work should be conducted for two of the sites (33-FR-1520 and 33-FR-1521). These sites are located approximately 2500' west of the outside of the proposed project boundaries and would not be impacted by the proposal. The applicant also conducted a pre-phase I Literature Review at the proposed wetland mitigation site. The literature review found 21 previously identified archeological sites with the study radius; however, none of the sites were recommended for further study. The applicant has indicated the project area has not been surveyed nor does it contain any previously identified archeological or architectural sites. While the number of sites found within the study area indicates the area was suitable for pre-historic activities, the applicant has determined due to the small size and hydric nature of the site, it is unlikely archeological sites would be present at the mitigation site. A copy of this public notice will be furnished to the Ohio State Historic Preservation Office for their review. Comments concerning archeological sensitivity of a project area should be based upon collected data.

ENDANGERED AND THREATENED SPECIES: The project is located within the known or historic range of the following endangered species: Indiana bat, clubshell mussel, Scioto madtom,

northern riffleshell mussel, bald eagle, and eastern massassauga. The Huntington District has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This public notice serves as a request to the U.S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7 (c) of the Endangered Species Act of 1972 (as amended).

PUBLIC INTEREST REVIEW AND COMMENTS: Any person who has an interest that may be adversely affected by the issuance of a permit may request a public hearing. The request must be submitted in writing to the District Engineer on or before the expiration date of this notice and must clearly set forth the interest which may be adversely affected and the manner in which the interest may be adversely affected by the activity.

Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b)(1) of the Clean Water Act. Written statements on these factors received in this office on or before the expiration date of this public notice will become a part of the record and will be considered in the final determination. A permit will be granted unless its issuance is found to be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an

Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

CLOSE OF COMMENT PERIOD: All comments pertaining to this Public Notice must reach this office on or before the close of the comment period listed on page one of this Public Notice. If no comments are received by that date, it will be considered that there are no objections. Comments and requests for additional information should be submitted to:

Kimberly Courts-Brown, Regulatory Project Manager
North Regulatory Section, CELRH-OR-FN
U. S. Army Corps of Engineers Huntington District
502 Eighth Street
Huntington, West Virginia 25701-2070.

Please note names and addresses of those who submit comments in response to this public notice may be made publicly available. Thank you for your interest in our nation's water resources. If you have any questions concerning this public notice, please contact Kimberly Courts-Brown of the North Regulatory Section at 304-399-5210.

Ginger Mullins, Chief
Regulatory Branch

(O)

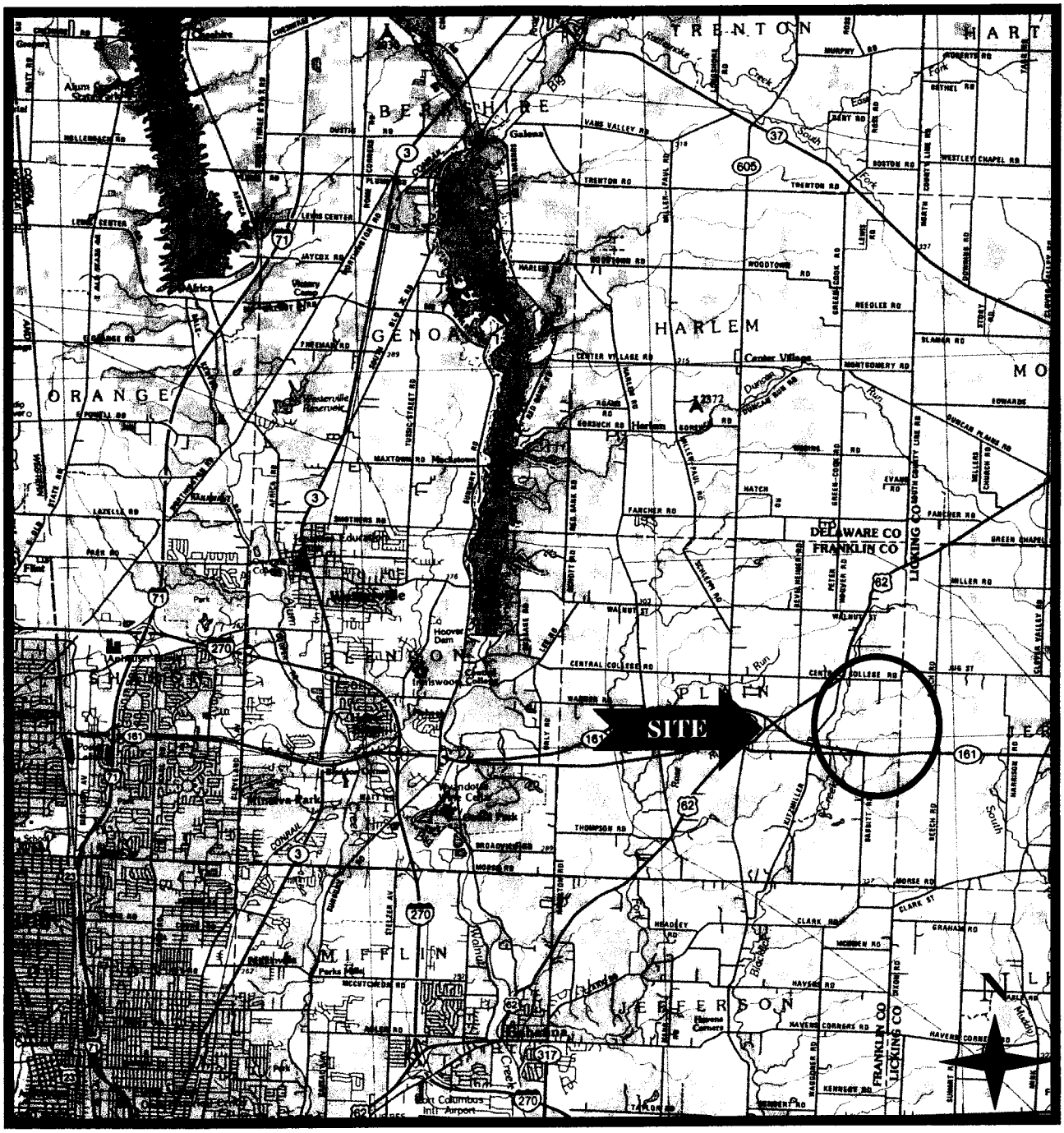


FIGURE 1
Area Location Map
1"= 2.37 mile
(DeLorme, 2000)

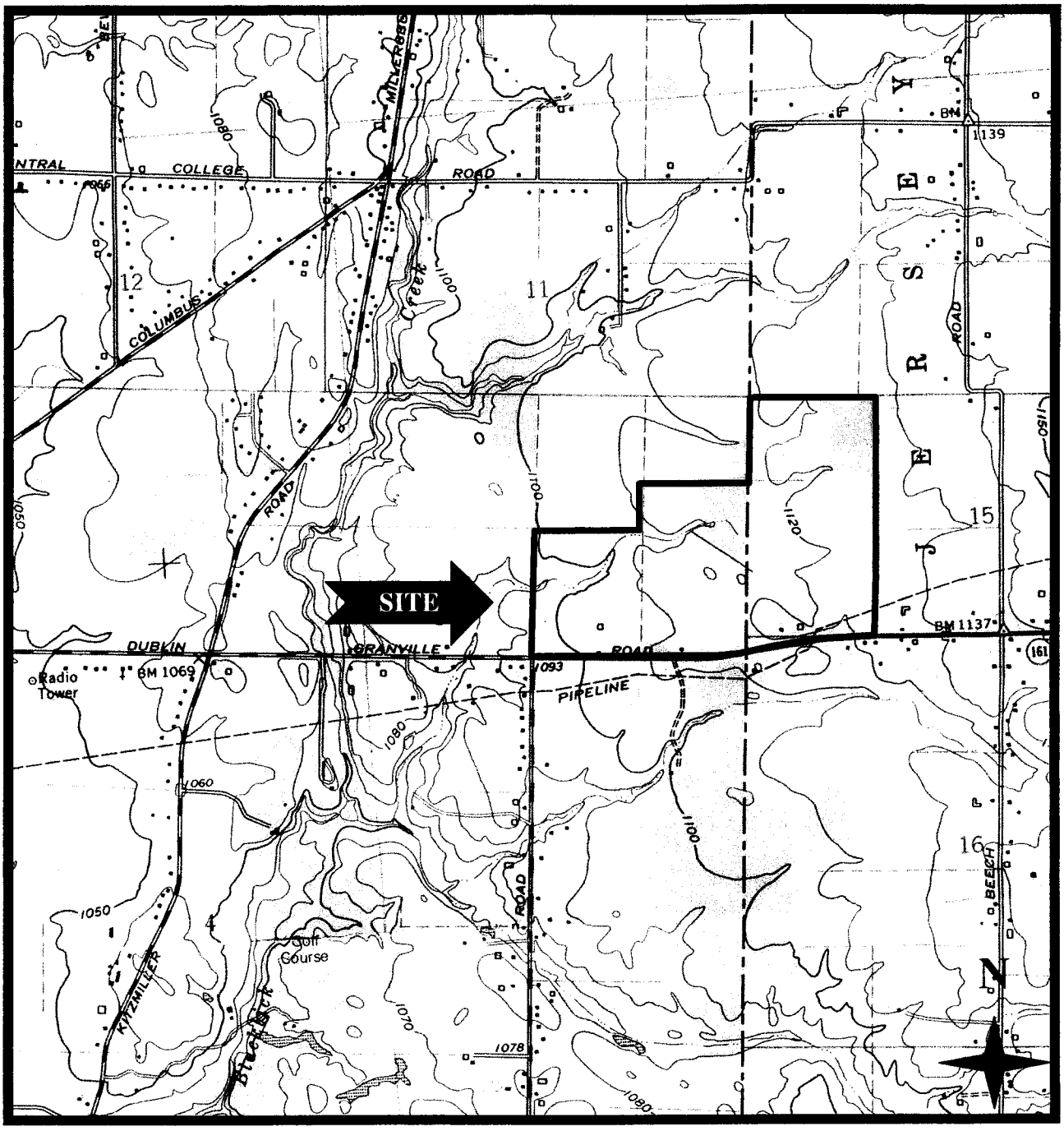
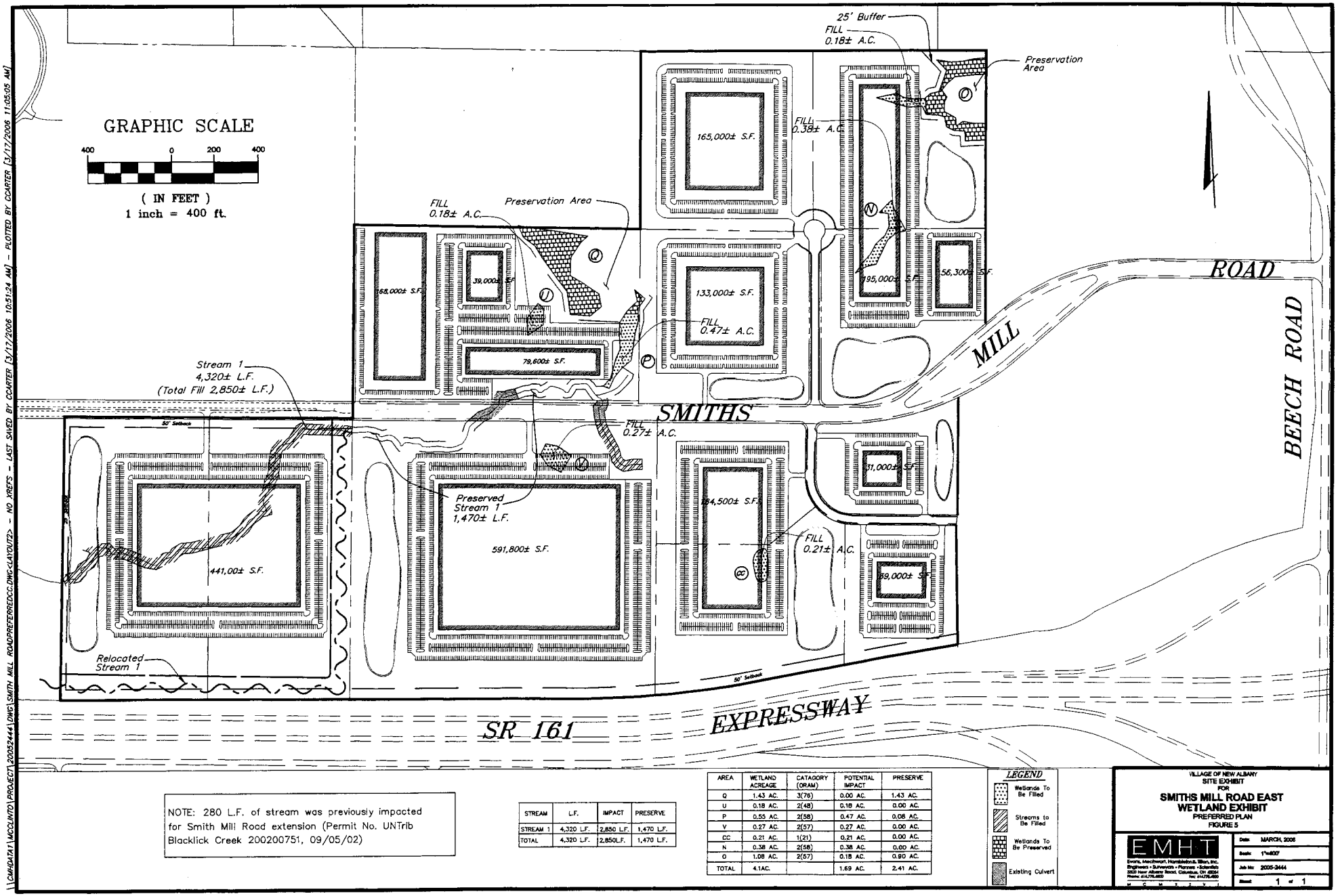


FIGURE 2
USGS Topographical Map
1"= 2000'
New Albany, Ohio
(photorevised 1982)



NOTE: 280 L.F. of stream was previously impacted for Smith Mill Rood extension (Permit No. UNTrib Blacklick Creek 200200751, 09/05/02)

STREAM	L.F.	IMPACT	PRESERVE
STREAM 1	4,320 L.F.	2,850 L.F.	1,470 L.F.
TOTAL	4,320 L.F.	2,850L.F.	1,470 L.F.

AREA	WETLAND ACREAGE	CATAGORY (ORAM)	POTENTIAL IMPACT	PRESERVE
Q	1.43 AC.	3(78)	0.00 AC.	1.43 AC.
U	0.18 AC.	2(48)	0.18 AC.	0.00 AC.
P	0.55 AC.	2(58)	0.47 AC.	0.08 AC.
V	0.27 AC.	2(57)	0.27 AC.	0.00 AC.
CC	0.21 AC.	1(21)	0.21 AC.	0.00 AC.
N	0.38 AC.	2(58)	0.38 AC.	0.00 AC.
O	1.08 AC.	2(57)	0.18 AC.	0.90 AC.
TOTAL	4.1AC.		1.69 AC.	2.41 AC.

LEGEND
- Wetlands To Be Filled
- Streams to Be Filled
- Wetlands To Be Preserved
- Existing Culvert

VILLAGE OF NEW ALBANY
SITE EXHIBIT
FOR
SMITHS MILL ROAD EAST
WETLAND EXHIBIT
PREFERRED PLAN
FIGURE 5

EMHT
Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
3500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Fax: 614.775.4800

Date: MARCH, 2006
Scale: 1"=400'
Job No: 2005-3444
Sheet: 1 of 1

\\CMHDATA2\ENVIRON\PROJECT\20052444\DWG\CONCEPTUALSTREAM.DWG<LAYOUT1> - 3 XREFS: OVERALL EXHIBIT, 52557XBS, 52557BLDG - LAST SAVED BY JHINES [3/22/2006 3:08:13 PM] - PLOTTED BY JHINES [3/22/2006 3:32:35 PM]

EMH&T

Evans, Mechwart, Hambleton & Tilton, Inc.
Engineers • Surveyors • Planners • Scientists
5500 New Albany Road, Columbus, OH 43054
Phone: 614.775.4500 Fax: 614.775.4800
M C M X X V I

FRANKLIN COUNTY, OHIO

BLACKLICK CAMPUS

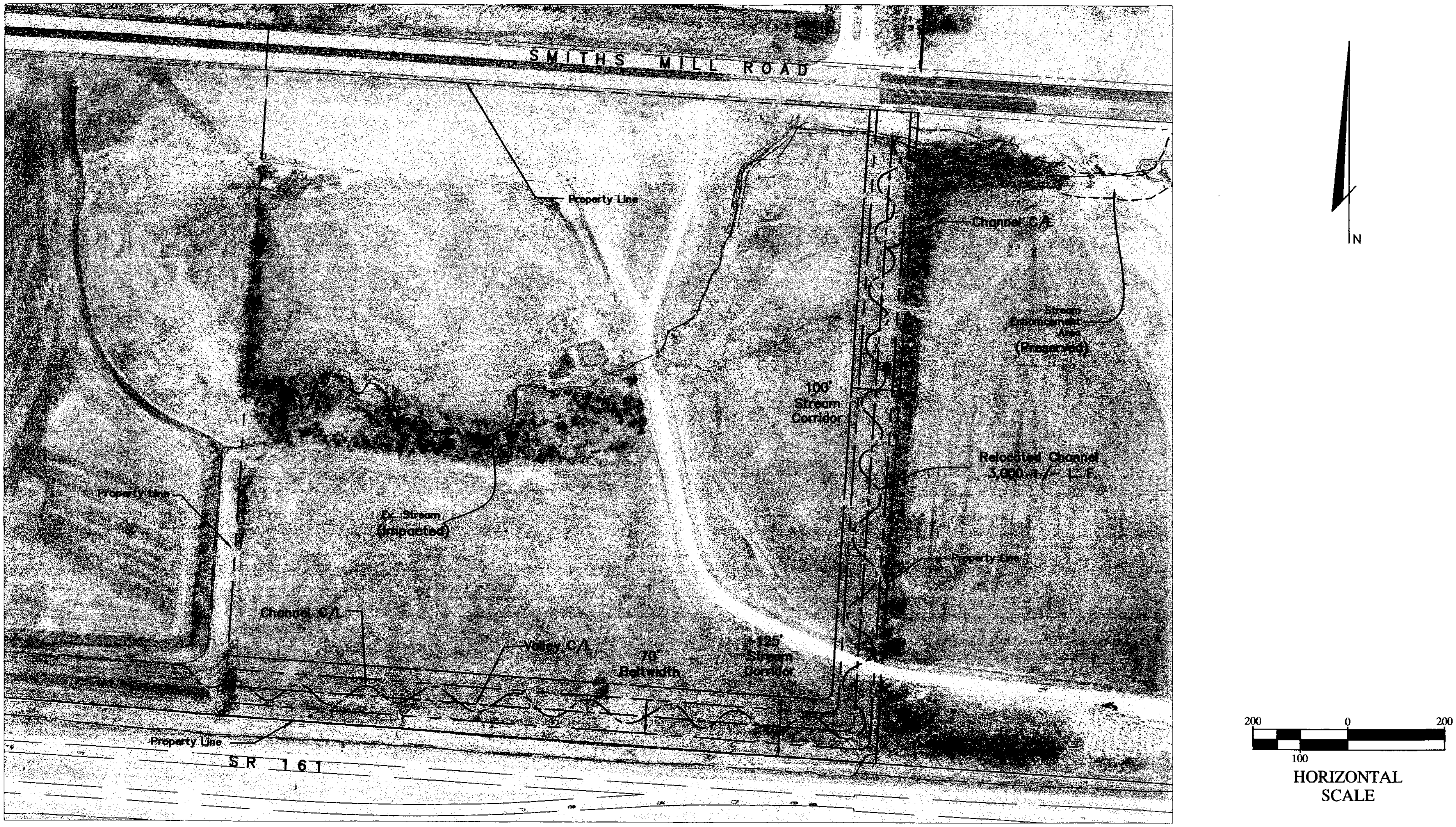
CONCEPTUAL STREAM DESIGN

FIGURE 8A

Date: March, 2006

Scale: 1" = 200'

Job No: 2005-2444



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Phone: 614.775.4500 Fax: 614.775.4800
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FRANKLIN COUNTY, OHIO

BLACKLICK CAMPUS

CONCEPTUAL STREAM DESIGN

FIGURE 8B

Date: March, 2006

Scale: 1" = 200'

Job No: 2005-2444

LEGEND & PLANT SPECIES LISTS

The Contractor shall submit to the Engineer for approval a complete schedule of plants, indicating the variety and quantity of each specified tree and stream bank planting for the project.

The locations of plant material shown on this plan are approximate. The Contractor shall coordinate with the Engineer on the final location once the pools/ riffles are constructed and all related grading completed.

2:1–3:1 Slope Upper Bank Plantings
Native grass mixture

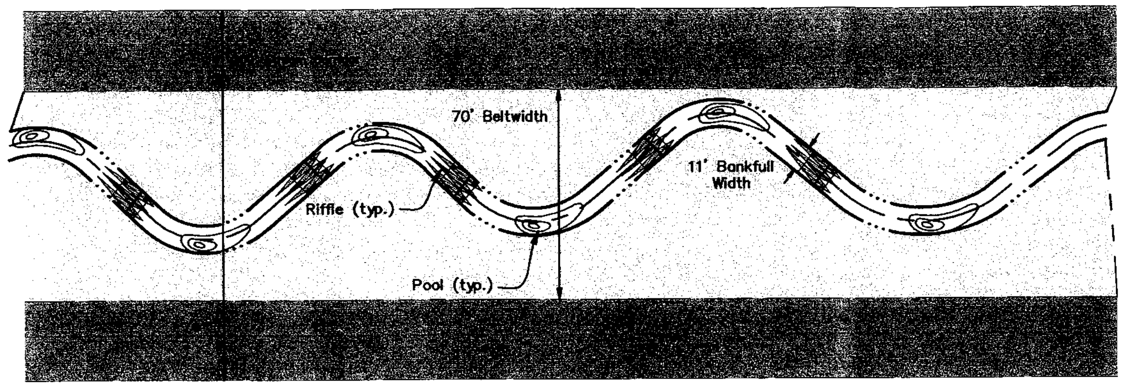
Lower Floodplain (Beltwidth) Bank Plantings

TREES:

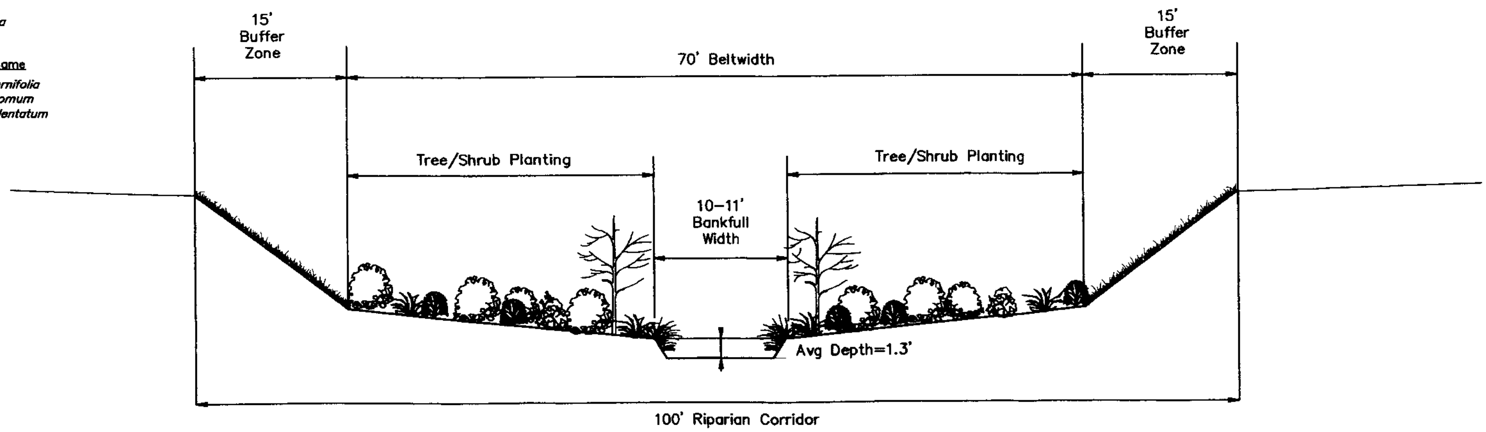
Common Name	Botanical Name
Sycamore	*Platanus occidentalis*
Willow	*Salix sp.*
River birch	*Betula nigra*

SHRUBS:

Common Name	Botanical Name
Alternate leaf dogwood	*Cornus alternifolia*
Silky dogwood	*Cornus amomum*
Arrow–wood	*Viburnum dentatum*



CONCEPTUAL STREAM PLAN
Not to Scale



CONCEPTUAL PLANTING SECTION
Not to Scale

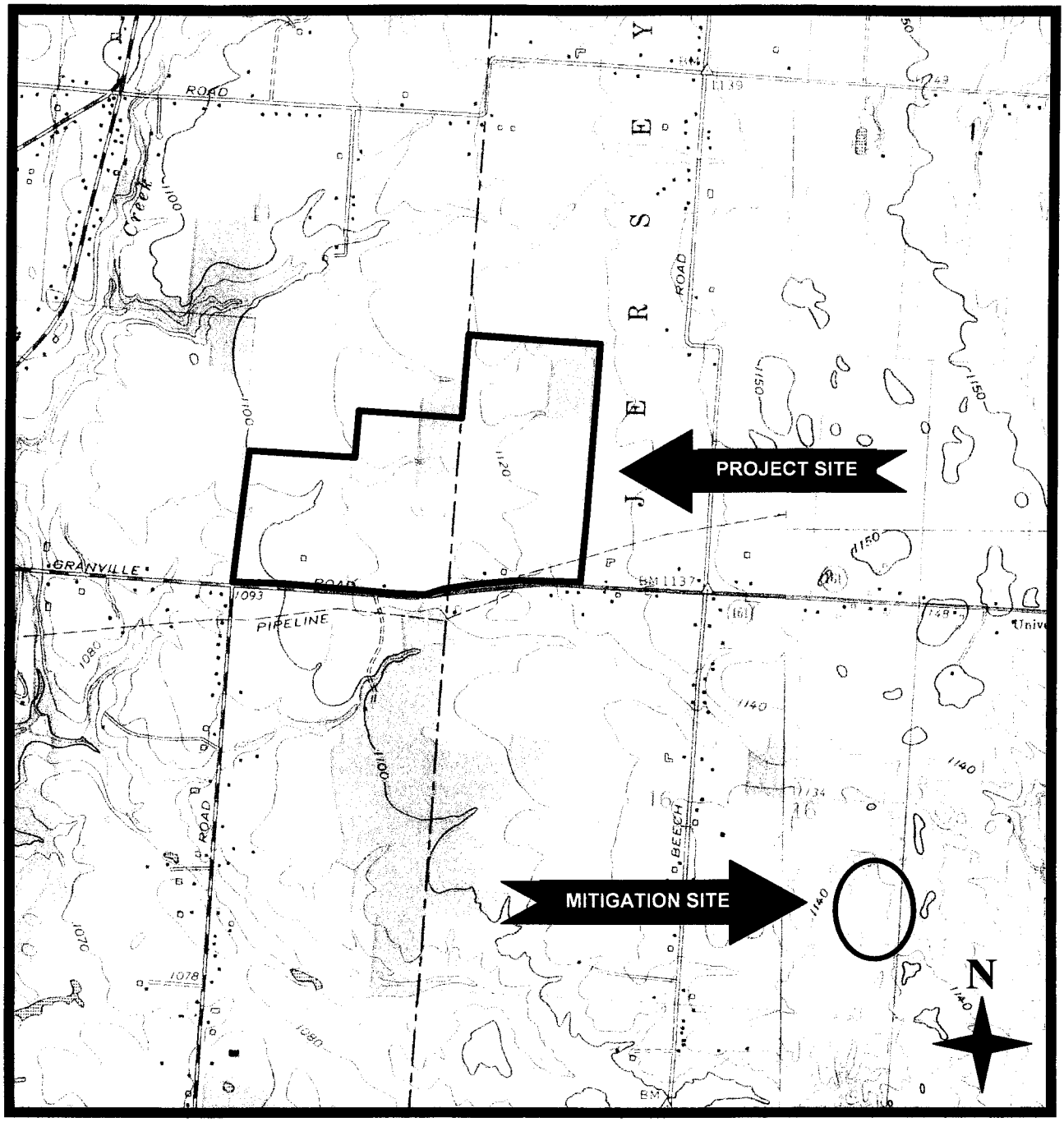


FIGURE 9
USGS Topographical Map
1"=2000'
New Albany, Ohio (Photoinspected 1982)
Jersey, Ohio (Photoinspected 1984)

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Evans, Mechwart, Hambleton & Tilton, Inc.
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M C M X X V I

LICKING COUNTY, OHIO

BLACKLICK CAMPUS

CONCEPTUAL WETLAND DESIGN

FIGURE 11

Date: March, 2006

Scale: 1" = 100'

Job No: 2005-2444

LEGEND

Existing Property Line

Proposed Wetland

Proposed Embankment

N

100 0 100
50
HORIZONTAL SCALE

\\CMHDATA2\ENVIRON\PROJECT\2005\2444\DWG\CONCEPTUALWETLAND.DWG<OPTION 7> - NO XREFS - LAST SAVED BY CWICKS [3/17/2006 5:05:50 PM] - PLOTTED BY CWICKS [3/20/2006 11:50:32 AM]